

### **REMARKS/ARGUMENTS**

In the Office Action mailed April 20, 2005, claims 2-16, 18-30 and 32-47 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Claims 2, 18, 32, 44, 45, 46 and 47 have been amended. No claims have been cancelled. No new claims have been added. As such, claim 2-16, 18-30 and 32-47 remain pending.

### **NEW CLAIMS AND CLAIM AMENDMENTS**

Independent claims 2, 18 and 32 have been amended to include the phrase "the unique identifier is assembled using an array of data that such that specific manufacturing configurations of the equipment are identified." Support for the amendment is found in paragraphs [0031] – [0033] of the pending application as well as Table 1, which is found on page 8 of the pending application. As such, no new matter has been added.

Claims 44-47 have been amended to support the above amendment, "manufacturing configuration." These claims are now consistent with the rest of the pending claims.

Applicants respectfully submit that the current amendment merely explicitly states that which was inherently in claims 2, 18 and 32. Applicants respectfully note that the claims, as pending were not anticipated by the references cited. In order to further prosecution of the application, Applicants have amended the claim to clarify possible ambiguities.

### **CLAIM OBJECTIONS**

The Examiner objected to claim 47 for minor informalities. Applicants have amended this claim in line with the Examiner's request. Applicants therefore respectfully request that the objection to claim 47 be removed.

### **CLAIM REJECTIONS – 35 U.S.C. § 102(b)**

The Examiner rejected claims 2-16, 18-30 and 32-43 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,959,529 to Kail (hereinafter referred to as "Kail"). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must "bear within its four corners adequate directions for the practice of the patent invalidated." (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2<sup>nd</sup> Cir. 1942)). Applicant respectfully submits that Kail embodies no such directions.

More particularly, the present invention enables remote monitoring by attaching a hardware controller directly to equipment and using an apparatus, detached from the equipment, to conduct the monitoring. The apparatus includes a display device, an input device, software executed by the apparatus and a communications device. The controller includes a unique identifier, which is assembled in a manner such that it provides the remote monitor with

specific aspects or properties of the equipment. Referring to Table 1 and paragraph [0032], the unique identifier can be assembled such that it provides the following:

- (i) Manufactured Month/Year;
- (ii) Shipped date;
- (iii) Device Brand;
- (iv) Device Feature Set;
- (v) Device Type; and
- (vi) Operating limits.

By providing these features, the remote monitoring device can more accurately monitor and react to a potential problem.

One of the main problems with the current techniques for monitoring is that these “techniques” do not overcome the scenario of having multiple devices with differing manufacturers at a single location. One of the main problems with this scenario is what is acceptable operating limitation on one device is not necessarily the same operating limitation on another manufacturer’s device. Even the same manufacturer can have multiple models in a same line with different operating parameters. With all of this lack of compatibility, it makes monitoring a more difficult task because what one might conceive as a “normal” operating limitation on Brand A is actually an early indication of failure on Brand B.

By having specific aspects of the equipment detailed in the identifier, the service personnel can more quickly determine if the reporting condition coming from the equipment is normal or an indication of failure. These specific aspects can inform the service personnel with such things as the manufacturer, feature set and device type. With this information immediately at their disposal, the service personnel can make a diagnosis of the problem and quickly take

action. If this information is not immediately available, the technician would have to attempt to obtain the information from the equipment itself or from some other source. If the equipment is storing temperature sensitive material, the time delay, resulting from the lack of information, could be critical.

Kail discloses monitoring and assessing the status of a subject with a portable monitoring unit and a central monitoring. Additionally, Kail discloses the central monitoring device assigning each of the portable monitoring units 12 with an identifier.

Applicants specifically note that the Examiner has cited Kail as disclosing a unique identifier assembled using an array of data such that specific aspects of the equipment are identified. To sustain this rejection, the Office Action cites to column 3, lines 10-14.

Applicants respectfully disagree with the Examiner in that it discloses the previous pending or the currently amended independent claims. At best, Kail, in this section, discloses a unique identifier, receiving data from the unit and an ability to display the data. At no point in this section does Kail disclose assembling “a unique identifier such that specific or manufacturing configuration aspects are disclosed.”

To further support Applicants present arguments, Applicants note that there is no discussion or disclosure outside of the cited section alluding to a uniquely assembled identifier that discloses “specific manufacturing aspects” of the equipment.

Kail validates the Applicants’ present arguments in the disclosure found at column 7, lines 52-59. The disclosure states that the data relative to the portable sending unit is stored with locally stored reference data concerning the portable monitoring unit. In other words, the locally stored information is manufacturing configuration or generating data relative to the portable sending unit. This locally stored information is exactly what the Applicants’ presently claimed

invention overcomes because many times this information is not stored or available to everyone especially a technician.

Furthermore, Kail discloses only using a “unique identifier” when two or more portable monitoring units are overseen by a single central monitoring device, hence the need for the unique identifier. Applicants’ invention is not so limited because the identifier in the present invention serves an additional purpose which is to supply specific manufacturing configurations of the equipment. By limiting the identifiers to two devices, it is implicit that this identifier merely serves as an ID Tag and not a source of specific manufacturing data.

Kail, unlike the present invention, does not disclose or teach assembling a unique identifier using an array of data that such that specific aspects of the equipment are identified. As such, Kail does not disclose or teach the presently claimed invention. Applicants, therefore, respectfully request that the rejection be removed and the claims be allowed to pass to issuance.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103(a)**

The Examiner rejected claims 44-47 under 35 U.S.C. § 103(a) as being unpatentable over Kail in view of U.S. Patent 6,524,230 to Harding (hereinafter referred to as “Harding”).

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142

Claims 44-47 further claims the types of “specific manufacturing aspects” of the equipment. In view of the above arguments regarding the unique identifier disclosing

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manufacturing aspects of the equipment, Applicants respectfully submit that the cited references, either individually or in combination, do not teach or disclose all the elements to support a rejection under 35 U.S.C. § 103(a). Applicants, therefore, respectfully submit that the rejection of claims 44-47 be removed.

### CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that the outstanding objections and rejections to the specification and claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87289.1741.

Respectfully submitted,

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